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Lisa C. Tidwell

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EXAMINER

HOLLY, JOHN H

ART UNIT

PAPER NUMBER

3694

NOTIFICATION DATE

DELIVERY MODE

02/06/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/731,212             | TIDWELL ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | JOHN H. HOLLY          | 3694                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>April 30, 2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of 35 U.S.C. 102(b) which reads as follows:  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
2. Claims 1– 11 and 16 - 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Leslie Michelassi et al. (Pub. # US 2005/0137982 A1 – herein referred to as Michelassi).

As per claim 1,

Michelassi disclosed an apparatus that scores risk associated with accepting a payroll check issued by an employer to an employee and presented to a check-cashing entity for cashing, the apparatus comprising:

a database that stores geographic-related information about employers

(page 10, paragraph [0104-105]); and

a computer processor configured to receive information about a payroll check issued by an employer to an employee and presented to a check-cashing entity for cashing, the computer processor further configured to determine a risk score associated with accepting the check, the risk score being based at least in part on information from the database indicative of the proximity of the employer to the check-cashing entity (page 5, paragraph [0057]).

As per claim 2,

Michelassi disclosed the apparatus of Claim 1, wherein the database stores the geographic-related information about the employers as at least one of the set consisting of: a street address, city name, county name, state name, country name, region name, zip code, time zone, and metropolitan statistical area (MSA) (page 9, paragraph [0093]).

As per claim 3,

Michelassi disclosed the apparatus of Claim 1, wherein the database further stores geographic - related information about the check-cashing entity (page 17, paragraph [0183]).

As per claim 4,

Michelassi disclosed the apparatus of Claim 3, wherein the computer processor is further configured to determine a risk score indicative of higher risk when the geographic-related information indicates that the employer and the check-cashing entity are located at a greater distance from one another, and to determine a risk score indicative of lower risk when the geographic-related information indicates that the employer and the check-cashing entity are located at a lesser distance from one another (page 17, paragraph [0183]).

As per claim 5,

Michelassi disclosed an apparatus that scores risk associated with accepting a check issued by a first party to a second party and presented for cashing by a check-presenter claiming to be the second party, the apparatus comprising:  
a database that stores geographic-related information about check issuers (page 10, paragraph [0104-05]); and  
a computer processor configured to receive information about a check issued by a check issuer to a second party and presented to a check-cashing entity for cashing, the computer processor further configured to determine a risk score associated with accepting the check, the risk score being based at least in part on geographic-related information from the database associated with the check issuer (page 9, paragraph [0094]); (page 5, paragraph [0057]).

As per claim 6,

Michelassi disclosed the apparatus of Claim 5, wherein a check issuer is at least one of

the set consisting of: a government entity, a business entity, a financial entity, and an employer (page 4, paragraph [0050]).

As per claim 7,

Michelassi disclosed the apparatus of Claim 5, wherein the computer processor is further configured to determine the risk score based at least in part on geographic-related information about the check-cashing entity (page 6, paragraph [0066]).

As per claim 8,

Michelassi disclosed the apparatus of Claim 7, wherein the computer processor is further configured to determine the risk score based at least in part on a comparison between the geographic-related information associated with the check issuer and the geographic-related information about the check-cashing entity (page 5, paragraph [0057]); (page 17, paragraph [0183]).

As per claim 9,

Michelassi disclosed the apparatus of Claim 5, wherein the computer processor is further configured to determine the risk score based at least in part on rules agreed upon by the check-cashing entity and by a check authorization system that scores the risk (page 2, paragraph [0019]).

As per claim 10,

Michelassi disclosed a method of scoring risk associated with a check transaction, the method comprising:

receiving information about a check issued by a check issuer to a second party and presented to an entity in association with a check transaction (page 20, claim 17);

accessing geographic-related information about the check issuer

(page 17, paragraph [0183]); and determining a risk score associated with the check transaction, based at least in part on the geographic-related information associated with the check issuer (page 6, paragraph [0066]).

As per claim 11,

Michelassi disclosed the method of Claim 10, further comprising determining the risk score associated with the check transaction based at least in part on positive pay information associated with the check (page 6, paragraph [0068]).

As per claim 16,

Michelassi disclosed a method that scores risk associated with a proposed financial transaction, the method comprising:

receiving information about an issuer of a negotiable instrument issued to a second party and presented in association with a proposed financial transaction (page 17, paragraph [0177]);

accessing geographic-related information associated with the issuer of the negotiable instrument (page 17, paragraph [00183]); and

determining a risk score associated with the proposed financial transaction based at least in part on the geographic-related information about the issuer (page 5, paragraph [0057]).

As per claim 17,

Michelassi disclosed the method of Claim 16, wherein accessing geographic-related information comprises accessing a repository of stored geographic-related information associated with issuers of negotiable instruments (page 17, paragraph [00183]).

As per claim 18,

Michelassi disclosed the method of Claim 17, further comprising requesting additional geographic-related information about the issuer of the negotiable instrument if the repository does not hold desired information about the issuer (page ?, paragraph [00?]).

As per claim 19,

Michelassi disclosed the method of Claim 18, further comprising updating the repository with the requested additional geographic-related information associated with the issuer of the negotiable instrument (page 10, paragraph [0104]).

As per claim 20,

Michelassi disclosed a computerized method for determining whether to authorize the payment of a check presented to an entity, the method comprising:

obtaining geographic information about an issuer of a check issued to a second party and presented to an entity by a check presenter (page 5, paragraph [0056]);

comparing the geographic information with data about the location of the entity (page 17, paragraph [00183]);

determining a risk score based at least in part on the comparison (page 18, paragraph [0186]); and

determining based at least in part on the risk score whether to authorize the payment of the check (page 18, paragraph [0186]) .

As per claim 21,

Michelassi disclosed the computerized method of Claim 20, wherein obtaining geographic information about the check issuer comprises using information from magnetic ink character recognition (MICR) line on the check to access stored geographic information about the issuer of the check (page 8, paragraph [0088]).

As per claim 22,

Michelassi disclosed the computerized method of Claim 20, wherein comparing the geographic information with data about the location of the entity comprises determining a proximity- based categorization based on the proximity of a location associated with the check issuer to the location of the entity (page 10, paragraph [104-105]).

As per claim 23,

Michelassi disclosed the computerized method of Claim 20, wherein comparing the geographic information with data about the location of the entity comprises calculating a distance between a location associated with the check issuer and the location of the entity (page 3, paragraph [0023]).

As per claim 24,

Michelassi disclosed the computerized method of Claim 23, wherein determining a risk score based at least in part on the comparison comprises determining a risk score indicative of lower risk when the calculated distance is smaller and determining a risk score indicative of higher risk when the calculated distance is greater (page 17, paragraph [0177]); (page 18, paragraph [0188]).

As per claim 25,

Michelassi disclosed a computerized system that determines whether to authorize a proposed check transaction, the system comprising:

a database of information about check issuer locations  
(page 10, paragraph [0104-105]); and

a computer processor configured to obtain data about an issuer of a check issued to a second party and presented at a check-cashing entity in association with a proposed check transaction, the computer processor further configured to use the data about the check issuer to access information stored in the database to determine a risk score based at least in part on the accessed information, and to determine based at least in part on the risk score whether to authorize the proposed check transaction  
(page 5, paragraph [0057]).

As per claim 26,

Michelassi disclosed a system for scoring risk associated with a check-cashing transaction, the system comprising: means for receiving information about a check issued by a check issuer to a second party and presented to a check-cashing entity for



cashing (page 5, paragraph [0057]).

means for accessing geographic-related information about the check issuer (page 10, paragraph [0104-105]); and

means for determining a risk score associated with the check-cashing transaction, based at least in part on the geographic-related information associated with the check issuer (page 5, paragraph [0057]).

As per claim 27,

Michelassi disclosed the system of Claim 26, further comprising:

means for accessing geographic-related information about the check-cashing entity (page 17, paragraph [0183]); and

means for comparing the geographic-related information associated with the check issuer and the geographic-related information about the check-cashing entity (pages 5 - 6, paragraph [0058]).

As per claim 28,

Michelassi disclosed the system of Claim 27, further comprising means for using the comparison to determine a measure of proximity associated with the check-cashing transaction (page 5, paragraph [0057]).

As per claim 29,

Michelassi disclosed the system of Claim 28, further comprising means for determining a location- related risk score based at least in part on the measure of proximity (page 17, paragraph [0183]).

As per claim 30,

Michelassi disclosed the system of Claim 29, wherein the means for determining a risk score associated with the check-cashing transaction comprise determining the check cashing transaction risk score based at least in part on the location related risk score (page 5, paragraph [0057]).

As per claim 31,

Michelassi disclosed the system of Claim 30, wherein the means for determining a risk score associated with the check-cashing transaction further comprise basing the check-cashing transaction risk score at least in part on positive pay information about the check (page 6, paragraph [0059]).

3. Claims 13 – 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Randy Templeton et al. (Pub. # US 2003/0130919 A1 – herein referred to as Templeton).

As per claim 13,

Templeton disclosed an apparatus that scores risk associated with a proposed financial transaction, the apparatus comprising:

a computer processor configured to access geographic-related information about an issuer of a negotiable instrument that has been issued to a second party and that has been presented in association with a proposed financial transaction, the computer processor further configured to determine a risk score associated with the proposed financial transaction, wherein the risk score is based at least in part on the geographic-related information about the issuer of the negotiable instrument (page 21, claim 63); (page 3, paragraph [0029]).

As per claim 14,

Templeton disclosed the apparatus of Claim 13, wherein the negotiable instrument comprises at least one of the set consisting of: a money order, a traveler's check, a personal check, a corporate check, a company insurance refund check, a tax refund check, a Social Security check, a payroll check, other government-issued check, a bank check, official check, a convenience check, a second-party check, and a third-party

check (page 15, paragraph [0160]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leslie Michelassi et al. (Pub. # US 2005/0137982 A1 – herein referred to as Michelassi) in view of Randy Templeton et al. (Pub. # US 2003/0130919 A1 – herein referred to as Templeton).

As per claim 12,

Michelassi disclosed the method of Claim 10 wherein scoring risk is associated with a check transaction.

However, Michelassi does not expressly disclosed the method of Claim 10, further comprising determining the risk score associated with the check transaction based at least in part on biometric information obtained from an individual presenting the check in association with the check transaction (page 12, paragraph [0127]).

In a similar field of endeavor, Templeton disclosed the method of Claim 10, further comprising determining the risk score associated with the check transaction based at least in part on biometric information obtained from an individual presenting the check in association with the check transaction (page 4, paragraph [0049]).

Art Unit: 3694

In light of the teachings of Mollett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Michelassi with the ability to determine the risk score associated with the check transaction based at least in part on biometric information obtained from an individual presenting the check in association with the check transaction as recited in claim 12.

This modification would provide to be an asset with the increase in security concerns in recent years, biometric is the identification process of the present and future.

As per claim 32,

Claim 32 is a system claim corresponding to method claim 12. Therefore, claim 32 is analyzed and rejected as previously discussed with respect to claim 12.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leslie Michelassi et al. (Pub. # US 2005/0137982 A1 – herein referred to as Michelassi) in view of Cassandra Mollett et al. (Pub. # US 2003/0216988 A1 – herein referred to as Mollett).

As per claim 15,

Michelassi disclosed the apparatus of Claim 13 wherein the computer processor is configured to access geographic-related information.

However, Michelassi does not expressly disclose the apparatus of Claim 13, wherein the computer processor is configured to access geographic-related information that comprises at least one of the set consisting of:

A street address, city name, county name, state name, country name, region name, zip code, time zone, and metropolitan statistical area (MSA).

Art Unit: 3694

In a similar field of endeavor, Mollett disclosed the apparatus of Claim 13, wherein the computer processor is configured to access geographic-related information that comprises at least one of the set consisting of:

A street address, city name, county name, state name, country name, region name, zip code, time zone, and metropolitan statistical area (MSA) (page 8, paragraph [0089]).

In light of the teachings of Mollett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Michelassi with a computer processor that is configured to access geographic-related information that comprises at least one of the set consisting of:

A street address, city name, county name, state name, country name, region name, zip code, time zone, and metropolitan statistical area as recited in claim 15.

This modification would prove to be an asset with respect to authentication efforts of a customer's identification and will aid in overall risk analysis.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN H. HOLLY whose telephone number is (571)270-3461. The examiner can normally be reached on Mon. - Fri. 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571)272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN H. HOLLY/  
Examiner, Art Unit 3694

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Examiner  
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